



Town of Southern Shores

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Town of Southern Shores
Council Meeting
July 1, 2008
7:00 PM.-Pitts Center

Minutes

The Southern Shores Town Council met on July 1, 2008 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Kevin Stroud and Jim Pfizenmayer.

Also present were: Charles Read, Town Manager, Carrie Gordin, Town Clerk and Ike McRee, Town Attorney.

Mayor Smith called the meeting to order at 7:00 p.m., led the Pledge of Allegiance and held a moment of silence for our troops serving around the world.

APPROVAL OF AGENDA

Mayor Smith requested two changes to the agenda. He stated Council Member Stroud will speak on the S. Dogwood Trail traffic issue following Public Comments and a closed session will be held at the end of the meeting for personnel issues. Council Member McDonald moved to approve the agenda as amended. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, Stroud, and Pfizenmayer voting aye; no council member voting no and no council member absent.

PRESENTATION-Ike McRee, Town Attorney

Mayor Smith announced Ike McRee is leaving to take a position in Currituck County. He stated the law firm will continue to provide services to the Town. He stated we hate to lose him but we wish him the best. He presented him with a certificate of appreciation and a desk clock.

Mr. McRee thanked Council for allowing him the opportunity to serve the town. He stated he had big shoes to fill replacing Tom White who had been the town's attorney since incorporation in 1979. He thanked the citizens and as a citizen of the town he stated he may be a council member one day.

PUBLIC COMMENT

Mayor Smith opened the public comment section.

Denise Graham, 92 Duck Woods Drive, stated she has lived here for fifteen years. She stated she is concerned about the increase in traffic on S. Dogwood and using it as a cut-through. She asked Council to find a way to re-direct the traffic to keep everyone safe.

Al Ewerling, 187 S. Dogwood Trail, stated he has owned property here for seventeen years and his wife is asking why are we living here it is worse than in New York.

He stated the roads were not meant to be used as a thoroughfare on the weekends. He stated we need to take back our Town and find a way to protect our health, safety and welfare and quality of life.

Dave Bingham, 184 S. Dogwood Trail, stated he has owned property here since 1987 and moved here five years ago but with the traffic he doesn't know if he wants to stay here. He stated you can't even go to the mailbox. He stated he has counted 12-15 cars before he can get out of his driveway. He doesn't know what the answer is but he would like the Town to do something.

Melissa Suggs, 154 S. Dogwood Trail, stated the traffic begins at 7 a.m. on Saturday coming from the north and then again in the afternoon going north. She stated other roads are impacted by the traffic also. She stated the roads are narrow and it is a safety hazard, there is no where to get off the road due to vegetation or no shoulder. She offered her driveway to count cars etc. She stated there is a speeding problem. She would like to see something done.

Thomas Karole, 77 E. Dogwood Trail, stated the traffic is bad but the speeding is ridiculous. He knows the Town put up signs to try to get the people through the neighborhood but he feels this action has created an unnatural bottle neck at the fire station. He stated the traffic could be directed to other parts of the Town give them a choice. He doesn't think that is the right solution. He supports all the comments made tonight.

Bob Watson, 170 S. Dogwood Trail, suggested placing a block at S. Dogwood and Hickory for five hours on Saturday and Sunday. He stated if people find out they can't make better time they won't use the route. He stated it would impact the locals but there needs to be a sacrifice to alleviate the problems.

Ed Cowell, 134 Beech Tree Trail, stated Virginia solved the traffic problems in Fairfax by placing signs that read no left turn, no right turn, no through traffic during specific times but he was told they are not allowed in North Carolina. He asked why don't we contact Senator Basnight's office to see what can be done.

Sam Williams, 109 Pudding Pan Lane, stated if the traffic can't go down S. Dogwood Trail they will find other streets like Juniper/Trinitie so something needs to be done through the whole Town including going north to south traffic also.

David Sanders, 158 Beech Tree, stated this topic has been addressed over six years ago. He stated four years ago a public meeting was held and all ideas were discussed. He stated our streets are public and if everyone is willing the streets could be made private but state funding would be lost and citizens would need to bear the maintenance costs. He stated if the rules are changed it applies to everyone and the citizens may not be able to tolerate those restrictions.

Nancy Wendt, 146 Beech Tree Trail, cautioned the posting of a sign that it may become tangible proof that this is an acceptable alternate route and NCDOT could take over the road and possibly widen it. She stated the road wasn't built to handle this amount of traffic.

The Town Attorney stated the Town owns the streets and has full jurisdiction. He stated NCDOT has no such jurisdiction unless the Town gave them permission. He stated the Town has broad authority to regulate its streets. He stated this issue has been going on for some time. He stated he has sent letters, on behalf of the Town, to MapQuest requesting they remove this route from their website but received no response.

He stated there were many ways discussed like placing stop signs at every block, speed bumps, no through traffic signs but any of these would be applied to everyone. He stated it is has come down to the ability and willingness to put the time, manpower and money into the enforcement of the regulations.

Council Member McDonald stated there is a possibility of losing Powell Bill funds.

Council Member Stroud stated he would like to address some of these issues. He stated he has heard the questions what can be done about the traffic on S. Dogwood. He stated he doesn't live there but he agrees there is a problem. He did not support the placement of the current signs to get the traffic through town.

He stated the Town Manager and he met with DOT representative and they learned the Town could put up signs and we would not lose the Powell Bill money. He stated he originally suggested placing a no left turn sign on Saturday and Sunday during a specific time. He stated he learned the Town would lose only the funds for the length of road you close. He was told by the Powell Bill representative that we would lose \$1800 per mile of the \$140,000 annual Powell Bill funds. He stated DOT would provide barricades but an ordinance would need to be passed. He stated a no through traffic sign could be posted stating specific days and hours. He asked isn't losing \$2000 worth it to alleviate this problem.

He made several suggestions such as placing a no through traffic sign on S. Dogwood Trail before anyone turns left, use a temporary barricade, pass a resolution, put in place the additional manpower for the remaining summer on Saturday and Sunday and pay the officer the additional \$2000 but do something. He stated when a tourist sees the officer they won't turn.

Council Member Hess stated the tourists are following directions by GPS or by what the rental company has provided they don't know other ways to get to their destination. She recently read in the newspaper there are two systems in the US that provide directions for the GPS systems. She suggested we contact them to ask them to change their directions provided. She does want to try Council Member Stroud's idea but she doesn't know how the officer would know who was going where.

Mayor Smith suggested that a special meeting be held to continue to discuss this topic. We do have other items on tonight's agenda.

Council Member Stroud stated having another meeting is not necessary we need to do something.

Council Member McDonald stated he appreciates the situation but he named a number of streets that would be affected if a no left turn or no right turn was posted to prevent cut through traffic which could impact sixteen miles of streets. He does not want to be in the traffic he lives in Town and he doesn't want to be stopped or be sitting in the traffic just to get home.

Council Member Stroud stated he isn't suggesting a no left turn. He is suggesting we stop incoming traffic on a Saturday and Sunday afternoon at two places; S. Dogwood and Juniper Trails.

Following discussion Council agreed to recess this meeting to July 7, 2008 at 7:00 p.m. to allow additional public comment and to have available an ordinance for Council consideration.

Hearing no comments Mayor Smith closed the public comment section.

APPROVAL of MINUTES –May 13, 2008 (Budget) and Recessed May 25, 2008 (Budget) and May 25, 2008 regular meeting.

Mayor Smith stated he is confused by a statement made by Chief Harvey and he would like some clarification. He stated in the May 13, 2008 minutes regarding line's 19-21 on page 4 "Chief Harvey stated he did not ask to be paid he takes pride in being a volunteer and he has agreed to waive benefits which could be as much as \$35,000". Mayor Smith asked what is the \$70,000 salary and what are the benefits.

Chief Harvey answered by saying he did say publicly that his salary would be \$70,000 a year and he agreed to waive in benefits an estimated amount of \$35,000. Council Member McDonald asked are the benefits you are referring to health related benefits. Chief Harvey stated his point is if another person was hired they would expect to receive benefits and their salary could be as much as \$105,000.

Council Member McDonald moved to approve the minutes as presented. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

CONSENT AGENDA

- Resolution 2008-07-01- Opposing Powell Bill Repeal HB 2751
- Mutual Aid Agreement-Building Inspections-Kitty Hawk
- Storm Debris Removal Agreements

Council Member Hess moved to approve the Consent Agenda as presented. Mayor Smith seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

[Clerk's Note: A copy of Resolution 2008-07-01- Opposing Powell Bill Repeal HB 2751, Mutual Aid Agreement and Storm Debris Removal Agreements are attached hereto as Exhibit A].

REPORTS

Planning Board

George Kowalski, chairman, presented the June 16, 2008 report.

[Clerk's Note: A copy of June 16, 2008 Planning Board Report is attached hereto as Exhibit B].

Southern Shores Volunteer Fire Department

Chief Harvey reported currently the fire department has 56 members and 31 of those are qualified structural fire fighters, 6 new members in training. He stated 16 members live outside of Town and 6 staff and support member and 12 rehab members. He stated some of the SSFVD members took part in a Dare County strike team for five days under the new Incident Command Standards at the Evans Road fire in Hyde County. He stated the Town of Duck and Southern Shores worked together on a combined crew to rotate the senior officers so they could train in a large fire event. He stated he is very proud of the department and he hopes there isn't another event like that one.

Southern Shores Police Department

Chief Kole provided the monthly report. He commented on the cut through traffic issue by saying the department does what it can with its limited resources of officers on the weekend.

Council Member McDonald stated the answer to the traffic problem is having the Mid-Currituck Bridge built. He encouraged the citizens to write their legislators constantly and tell them to build the bridge.

Southern Shores Civic Association

Dan Shields reported the crossover at Hillcrest is almost complete. There are some repairs being made at the wading beach and the board is discussing ways the SSCA ponds could be used in helping with storm water issues.

Chicahauk Property Owner's Association-None

Canal Dredging Project

The Town Attorney read a memo from John Leidy, Attorney, dated June 30, 2008.

Mayor Smith asked if a meeting has been scheduled, since the meeting was to be scheduled for June or July with the fourteen different agencies. Merrie Smith, Executive Assistant, stated Senator Basnight's office has been contacted several times but there has been no response.

OLD BUSINESS

Town Code-Chapter 6 Offenses and Miscellaneous Provisions-Animals Running at Large, Section 6-90 (b)

Mayor Smith stated this item is a follow-up on a citizen's request for Council to consider amending the Town Code by changing the time frame dogs are allowed on the beach from May 15-Sept. 15 to June 15 -Sept. 3 (Labor Day). He stated he doesn't support changing this section but he would like to discuss changing Section 6-91 mandatory removal of dog feces. He would like to see this section removed this is just another ordinance that is not enforced. He does support the ordinance in removing dog feces at the beach.

Council Member Stroud stated he has a dog and he doesn't take him to the beach in the summer He likes to have a beach that is halfway clean. But he sees and stated, even in April and May, you can't walk on the beach because of the dog fec even when disposal bags are available.

Council Member Pfizenmayer stated the SSCA has provided the bags and they are being used. He stated there are dogs on the beach at 6 a.m. but in the evening when the officers aren't on duty dogs are on the beach.

Council Member McDonald and Hess agreed to leave the ordinance as written. He stated if there is a violation the police will act. He stated the new storm water regulations are addressing fecal matter and how it impacts storm water which is one cause for more stringent rules.

Mayor Smith stated he doesn't feel it is right to leave an ordinance on the book that is not being enforced and he doesn't think it is fair to ask people to pick up after their dog when walking in the woods.

Town Code-Chapter 8-Solid Waste

Merrie Smith, Executive Assistant, stated there have been a number of changes to this section and staff has drafted an amended copy of the chapter for Council's input before approving.

The Town Manager suggested Council review and submit their changes to staff so an updated copy can be presented for approval.

Appointments to Fire Service Advisory Board (FSAB)

As part of the adopted Southern Shores Volunteer Fire Department contract the Town and Fire Department agreed to cooperate in the formation of a Fire Service Advisory Board charged with the task of reviewing, investigating and reporting about the future of the firefighting services for the Town of Southern Shores. The Board will be composed of two Town Council members appointed by the Town, two Fire Department Board members appointed by the Fire Department and two citizen members, one of which will be appointed by the Town and one by the Fire Department, neither of whom shall be Town Council members or employees of the Town or members or employees of the Fire Department.

Council Member Stroud moved to appoint Council Member Pfizenmayer. Mayor Smith seconded. Council Member Pfizenmayer moved to appoint Council Member Stroud. Council Member McDonald seconded.

Hearing no other nominations the motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

The Town Manager read from a memo dated July 1, 2008 stating there were five residents who submitted applications specific to service on the FSAB. Three non-specific applications were also received including one who by virtue of Town employment is ineligible for this service. He stated two finalists were developed,

(1) Russell Glock, PhD. and (2) Norman St. Laurent, MS. The Town Manager recommends as his primary candidate is Doctor Glock with Mr. St. Laurent as the alternate.

Council Member Stroud moved to appoint Mr. Glock to the FSAB upon the Town Manager's recommendation. Mayor Smith seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

[Clerk's Note: A copy of the memo is attached hereto as Exhibit D].

NEW BUSINESS

Council Appointment to Shoreline Management Commission

Mayor Smith stated he served on this committee for 2½ years and has submitted his resignation to the Dare County Shoreline Management Commission. He stated he had a conversation with Ray Midgett who expressed interest in being the commission. Mayor Smith stated he would recommend Mr. Midgett as a replacement since he is anti-beach nourishment, he would give the other side of the story.

Council discussed if the replacement should be a Council person or could a citizen be submitted as a representative. Council Member McDonald stated it should be opened up to all citizens if that is a choice before a selection is made.

Mayor Smith stated there is 3.5 million dollars being held and he has asked repeatedly that the money be returned to the payers but to no avail. He stated that Mr. Midgett has attended the meetings and is willing to be on the committee.

Council Member Stroud asked if the Town even needs to have a representative on the commission since we oppose beach nourishment.

Council Member Hess stated we should know if the representative is speaking for the town.

Mayor Smith stated he has never spoken on behalf of the Town at those meetings. He stated any votes that have been tallied it has been seven to one against with him being the one.

Council requested the Town Manager find out what the requirements are and bring back to them.

Emergency Management Plan

The Town Manager stated an Emergency Management meeting was held earlier today and changes to the plan were discussed. He requests Council approve the plan.

Merrie Smith, Executive Assistant, stated the changes to the plan included updating the directory and changes in item 6. Fire Suppression and General Public Safety per Fire Chief Harvey's recommendation that the fire department would no longer provide food for volunteers and those lodged at the Kitty Hawk Elementary School to include Dare County EMS, Highway Patrol or other outside agencies as assigned to the EOC.

Council McDonald moved to approve the plan as submitted. Mayor Smith seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

OTHER ITEMS

Town Manager

The Town Manager stated the NC Community Foundation has \$570 available from the Kern P. and Ginks Pitts Endowment Fund. He asked for suggestions from Council on using the funds.

Council Member Stroud suggested placing a Town of Southern Shores sign at the triangle on Duck Road since the SSCA is making landscaping improvements there. Council agreed this should be looked into.

The Town Manager reported there are tree roots on W. Holly Trail that is impacting the pavement which needs to be removed and there is a pothole at E. Dogwood Trail/NC12 that Public Works will be repairing.

The Town Manager read a memo dated July 1, 2008 to Council regarding the Capital Improvement Plan (CIP). He stated two citizens, Dan Shields and Bill Gleason, have volunteered their services to be part of the CIP Task Force.

[Clerk's Note: A copy of the memo is attached hereto as Exhibit E].

The Town Manager requested a closed session following this meeting for a legal/personnel issue.

Town Attorney-None

Mayor

Mayor Smith stated he has received several calls regarding when the Mayor's Chats would be re-instated. He stated the Mayor's Chat will resume in September.

He announced the North Carolina League of Municipalities is sponsoring a "Go Green" campaign and is challenging the towns to become more involved in ways to save our environment. He stated a resolution will be prepared for the next meeting. He stated he personally has purchased a hybrid car.

Merrie Smith stated more information will be forth coming by the broadcast email on how the citizens can get involved. She will be attending a meeting in Greenville sponsored by the League.

He read a letter from Neil Morrison, Mayor of Duck, thanking Council for their support, by way of a resolution, aiding the Town of Duck in receiving additional grant funding for their storm water project on NC12.

Council

Council Member Hess stated she has been working with the Town Manager on a type of herbicide that can be used to eliminate vegetation in the canals. She stated the cost is \$120.50 for a 50# bag and it would take 3-4 bags to treat one acre. She stated she doesn't know if all the canals would need to have the herbicide but the boat club calculated there are 33 acres of canals. She stated the boat club is willing to distribute the herbicide if this would be approved. She stated the cost for the herbicide would be around \$12,000. She stated this is not an item covered in the budget but we should find a way to do this.

The Town Manager stated this has been discussed with George Wood and the herbicide is "green" enough if applied to not affect our permitting application one way or the other.

Council Member Stroud commented we can't dredge the canals because of the vegetation but we can kill the vegetation.

Council Member Hess stated upon finishing the budget process and thinking of ways to save money she would suggest selling the 2005 Ford Escape for the Code Enforcement Department since it isn't being used by that department. She stated she did a quick blue book value and found it to be worth around \$17,500. She suggested by selling the vehicles that money could be used for other expenses. She would like this to be looked into.

Mayor Smith stated the Town should keep the car and it is being used by staff. He stated at this time SUV's are not getting good value. He stated the Town Manager uses it on weekends to check on things in Town.

Merrie Smith, Executive Assistant, stated several staff members use that vehicle for town-related errands like going to the bank, post office and the Permit Officer uses it and it is identified as a Town vehicle.

Council Member Hess stated if we use the same logic for cutting back services we should use the same logic for ourselves and is asking that it be looked into.

Council Member Pfizenmayer stated he is concerned about people walking in the middle of the road and not moving when vehicles come upon them. He reported an incident where he was driving and the people wouldn't move. He has received calls about this and asked people to be more considerate and be safe.

He stated the Town still has people who want to volunteer and he supports recruiting our citizens as volunteers to keep them involved.

Council Member Stroud congratulated and thanked Ike for everything and he stated if Ben Gallop does half as good a job we will be in good shape.

PUBLIC COMMENT

Mayor Smith opened the public comment section.

Dan Shields, 41 Eagles Nest Lane, stated he read that the Town is looking to hire a grant writer for \$30,000. He stated there are citizens in Town who can do this. He asked with all the cuts made in the budget why aren't we looking for a volunteer to do this.

Lori Williams, 109 Pudding Pan Lane, stated she questions the grant writer position job description as she reads it. She stated the description defines the person as a grant manager public information officer. She stated as a \$30,000 contractual position it is now a temporary part-time employee. She stated the position reads they will be the public voice of the town. She doesn't understand some of the special requirements such as having a law enforcement background when the grant writer is suppose to be supporting the Town in general. She has problems with it.

Hearing no further comments Mayor Smith closed the public comment section.

COUNCIL COMMENT

Council Member McDonald expressed his thanks to Ike.

The Town Clerk also thanked him.

Mayor Smith stated Council agreed to not hold a second meeting in the summer months if there were no business. He moved to cancel the July 22, 2008 meeting. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

Hearing no other business Mayor Smith moved to go into closed session pursuant to NCGS 143. 318.11(a) (3) and (6) to discuss with the attorney a legal issue and a personnel issue. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

Mayor Smith moved to go out of closed session and return to open session at 9:30 P.M. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

Mayor Smith moved to increase the town manager's salary by \$5,000 effective July 1, 2008. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

A brief discussion followed on how to deal with the meeting on Monday evening.

Hearing no other business Council Member Hess moved at 9:40 p.m. to recess the meeting until Monday, July 7, 2008 at 7 P.M. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

ATTEST:



Respectfully submitted:


Carrie Gordin, Town Clerk

**RESOLUTION OPPOSING POWELL BILL REPEAL
HB-2751 HIGHWAY FUND NAME CHANGES**

WHEREAS, the Town of Southern Shores is dependent on the Powell Bill Funds appropriated by the State of North Carolina for the maintenance and construction of Town owned street and sidewalks, and

WHEREAS, the Town of Southern Shores is experiencing a decrease in revenue based on the current economic decline, and

WHEREAS, the Town of Southern Shores has citizens on fixed incomes and does not wish to raise taxes in order to offset any elimination of the Powell Bill funds, and

WHEREAS, the Town of Southern Shores continues to promote the adequacy of its streets and sidewalks for its citizens, and

WHEREAS, the Town of Southern Shores generates considerable revenue for the State of North Carolina from tourism, and

WHEREAS, the Town of Southern Shores recognizes that degradation of the condition of streets and sidewalks can have an adverse impact on tourism.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Southern Shores requests that North Carolina State Legislature, the Honorable Marc Basnight, and Governor Mike Easley continue to provide desperately needed transportation infrastructure funds to municipalities by opposing the provision in HB 2751 to eliminate distribution of Powell Bill funds to municipalities for street construction and maintenance.

Adopted this the 1st day of July, 2008

Don Smith, Mayor

Carrie Gordin, Town Clerk

II. NORTH CAROLINA

DARE COUNTY

INTERLOCAL GOVERNMENT AGREEMENT

THIS AGREEMENT, made and entered into this the ____ day of _____, 2008, by and between the Town of Southern Shores, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina, (hereinafter referred to as "Southern Shores"), and the Town of Kitty Hawk, a municipal corporation organized and existing pursuant to the laws of the

WITNESSETH:

WHEREAS, Southern Shores and Kitty Hawk have agreed to cooperate with each other in order to provide building inspection services within their respective territorial jurisdictions; and

WHEREAS, North Carolina General Statute 160A-413 authorizes Southern Shores and Kitty Hawk to enter into an agreement relating to one town providing inspection services another; and

WHEREAS, Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes empowers Southern Shores and Kitty Hawk to enter into an interlocal agreement in order to execute an undertaking whereby a unit of local government exercises any power, function, public enterprise, right, privilege, or immunity either jointly with or on behalf of another unit of local government;

NOW, THEREFORE, for and in consideration of the mutual benefits, covenants, and promises contained herein, the parties hereto agree as follows:

1. In accordance with the terms and conditions of this Agreement, Southern Shores and Kitty Hawk agree to provide reciprocal building, electrical, plumbing and mechanical inspections upon request from one town to the other to provide. Such services shall be provided by a building inspector within the territorial jurisdiction of the requesting town, provided that the responding town has a building inspector available to perform the requested inspection.

2. Building inspection services will be provided without compensation from the requesting town to the responding town.

3. It is agreed between Southern Shores and Kitty Hawk that Southern Shores building inspectors will not hold office hours within Kitty Hawk's territorial jurisdiction and Kitty Hawk building inspectors will not hold office hours within Southern Shore's territorial jurisdiction. However, the requesting town shall provide the responding town any necessary information required to perform an inspection prior to the time of inspection and will provide any necessary

administrative support to the responding town's building inspector.

4. While providing inspection services within the territorial jurisdiction of the requesting town, the responding town's building inspector will have the same authority as building inspectors employed by the requesting town and shall be subject to the supervision of the chief building inspector of the requesting town.

5. It is understood and agreed that at all times, the responding building inspector is an employee of the responding town and is not an employee of the requesting town. The responding town's building inspector shall not receive any employee benefits from the requesting town.

6. The responding town shall ensure that the responding town's building inspector is covered, during the time the responding town's building inspector is providing inspection services within the territorial jurisdiction of the requesting town, by the Workman's Compensation insurance which the responding town regularly provides to its employees pursuant to its policies.

7. To the extent authorized by law, Southern Shores will indemnify, save and hold harmless Kitty Hawk and its officers, agents and employees from any and all losses, liabilities, judgments, damages, and all costs, fees, and related expenses arising directly or indirectly out of or in any way connected with the provision of assistance to Kitty Hawk under this Agreement, except when the liability, loss, judgment or damage results solely from the willful acts or omissions of Kitty Hawk or its officers, agents or employees.

8. To the extent authorized by law, Kitty Hawk will indemnify, save and hold harmless Southern Shores and its officers, agents and employees from any and all losses, liabilities, judgments, damages, and all costs, fees, and related expenses arising directly or indirectly out of or in any way connected with the provision of assistance to Southern Shores under this Agreement, except when the liability, loss, judgment or damage results solely from the willful acts or omissions of Southern Shores or its officers, agents or employees.

9. This Agreement may be terminated by mutual agreement of the parties or by either

party, at any time, by the provision of at least fifteen (15) days written notice to the other party.

10. All notices, approvals, consents, requests or demands required or permitted to be given under this Agreement shall be in writing and shall be deemed sufficiently given when deposited in the mail, first-class postage prepaid, and addressed to the respective parties as follows:

SOUTHERN SHORES:
Town Manager
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949

KITTY HAWK:
Town Manager
Town of Kitty Hawk
P.O. Box 549
Kitty Hawk, NC 27949

or to such other addresses as either party shall subsequently designate by notice given in accordance with this section.

11. This Agreement constitutes the entire understanding of the parties.
12. This Agreement shall be binding upon the successors and assigns of the parties.
13. The parties will make and execute all further instruments and documents required to carry out the purposes and intent of this Agreement.
14. This Agreement shall not be modified or otherwise amended except in writing signed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, in duplicate originals, as of the day and year first above written, all pursuant to authority duly granted.

TOWN OF SOUTHERN SHORES

ATTEST:

Town Clerk

By: _____
Mayor

(TOWN SEAL)

ATTEST:

By: _____
Mayor

(TOWN SEAL)

MEMORANDUM

TO: Astority, Inc.

FROM: The Town of Southern Shores, North Carolina

DATE: July 1, 2008

SUBJECT: Memorandum of Understanding (MOU) for Equipment Rates for Storm Debris Removal

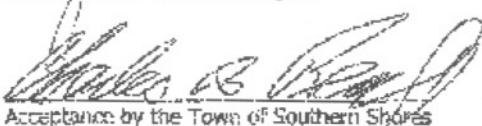
In the event you are requested to provide storm cleanup, debris removal, or infrastructure repair for the Town of Southern Shores, the Town agrees to use the schedule of rates submitted for Fiscal Year 2008-09. That schedule of rates is contained in your Proposal for Post-Storm Debris Cleanup and Infrastructure Reconstruction Services, dated May 14, 2008. A copy of your Proposal is incorporated as part of this MOU.

The period of this agreement shall be from July 1, 2008 to June 30, 2009.

The conditions set forth by this MOU cannot be amended until both parties have signed a new MOU based on change in conditions. Please sign and return both copies of this MOU. A fully executed copy will be returned to you for your files.


Contractor or Contractor's Agent

7/15/08
Date


Acceptance by the Town of Southern Shores

7/1/08
Date

Charles B. Read, Jr.
Town Manager



MEMORANDUM

TO: RJC Contracting, Inc.

FROM: The Town of Southern Shores, North Carolina

DATE: July 1, 2008

SUBJECT: Memorandum of Understanding (MOU) for Equipment Rates for Storm Debris Removal

In the event you are requested to provide storm cleanup, debris removal, or infrastructure repair for the Town of Southern Shores, the Town agrees to use the schedule of rates submitted for Fiscal Year 2008-09. That schedule of rates is contained in your Proposal for Post-Storm Debris Cleanup and Infrastructure Reconstruction Services, dated May 14, 2008. A copy of your Proposal is incorporated as part of this MOU.

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Contractor or Contractor's Agent

7/1/08
Date


Acceptance by the Town of Southern Shores

7/1/08
Date

Charles B. Read, Jr.
Town Manager

Exhibit B

To: Southern Shores Town Council

CC: Town Manager

From: George Kowalski, Chairman, Planning Board

Date: 6/19/2008

Re: Recap, Planning Board Meeting of June 16, 2008

Planning Board recommended actions for the Town Council:

1. None

Organization: Chairman Kowalski called the meeting to order at 7:00 PM. Planning Board members George Kowalski, Nancy Wendt, Jay Russell, Mike Florez, and Alternate Sam Williams were present. Alternate Bob Palombo, and ETJ Representative Ed Overton were absent with excuse. Dave Peckens was absent without excuse. Also in attendance was Administrative Assistant Merrie Smith.

Approval of Agenda: Agenda was approved.

Approval of Minutes: The March meeting minutes were approved.

Public Comment: There was no public comment.

Committee Reports:

The **Stormwater Management Advisory Committee** report was presented by Jay Russell, who stated that the committee is presently inactive. At the end of April, he met with Dave Peckens, representing the Roads Committee and Joe Anlauf from Quible Assoc., to discuss the list of repairs that Joe is working on for the capital improvements budget.

The **Hazard Mitigation Plan Committee:** Merrie stated that this committee will be meeting in the very near future.

The **Land Use Plan/Steering Committee** needs two members from the Planning Board. Mike Florez and Sam Williams volunteered to be on this committee.

The **Wireless Committee:** This report was given by committee member George Kowalski, who stated that a very general cell phone signal strength study had been done by several members and that an interim report is currently being written, to be presented to the Planning Board and the Town Council.

The **Roads/Streets Committee:** Merrie stated that there will be a meeting held July 1, with Joe Anlauf from Quible Assoc. He will present his recommendations. Jay Russell said that he would also attend.

Applications:

None

Other Business

Old Business:

1. Southern Shores Zoning Ordinance Overview

Nancy Wendt made an excellent presentation outlining the Town's current zoning map, the Town's Land Use Plan history that led up to that zoning, and the future requirements of incorporating the Land Use Plan into all future ordinances and Planning Board and Council decisions .

New Business:

1. Election of Chairman and Vice Chairman

Nancy Wendt was re-elected as Vice Chairman and George Kowalski was re-elected as Chairman.

2. Selection of members

The Council approved Jay Russell and Dave Peckens to new three year terms on the Planning Board.

Other Items:

1. Planning Board Member Concerns: None
2. Chairman Concerns: none

Announcements:

Next regular meeting: Monday, July 21, 2008, 7:00 PM, in the Pitts Center

Adjournment: Upon motion, the Planning Board meeting adjourned.

Exhibit C

MEMORANDUM

TO: Charles B. Read, Jr., Town Manager

FROM: John D. Leidy

DATE: August 6, 2008

RE: July Status Report – Canal Dredging Project

- We have conferred with opposing counsel and Judge Elkins' scheduling clerk. The parties agree that the case will not be ready for hearing during the week of July 21 and probably will not be ready until next September.
- I have had some preliminary discussions with the other parties about the format of a mediated settlement conference which may involve other agencies.

- We are having extensive research done by our summer law clerks on various legal issues raised by the decisions from CAMA and DWQ. Preliminarily, the results are very positive.
- We have not received any information requests from either CAMA or DWQ at this point.

To Be Done In July

- We should receive responses to our discovery requests by mid July.
- The parties need to develop, agree upon and submit an amended scheduling order. We are still working out some of the dates for this but an amended scheduling order should be developed by the end of this month.
- We are continuing our research. We will report to the Board the results of this research possibly by late July or early August.
- Staff will contact various agencies about a resolution conference. This may be concluded in July although August is a more realistic time frame.

Exhibit D

MEMORANDUM

TO: TOWN COUNCIL
 FM: TOWN MANAGER
 DATE: JULY 1, 2008
 SUBJECT: FIRE SERVICE ADVISORY BOARD
 APPOINTMENT TO:

Per consensus of Council, the Town Manager received and reviewed applications from, and subsequently interviewed several residents of the Town of Southern Shores, who volunteered to serve on the Fire Service Advisory Board (FSAB).

- Five residents submitted applications specific to service on the FSAB. Three non-specific applications were also received including one who by virtue of Town employment is ineligible for this service.
- Two applicants interviewed have valuable experience that would be beneficial to working on the development of the Town's first CIP. Their volunteer involvement is being addressed in a separate CIP memo.
- In addition to seeking highly motivated and qualified volunteers for the FSAB, the manager was careful to identify persons who are objective, have no pre-conceived opinion(s) regarding the SSVFD, and have no direct or indirect current or prior involvement with the SSVFD.
- Two finalists were developed, (1) Russell GLOCK, PhD. and (2) Norman St. LAURENT, MS. (1) Doctor GLOCK is the Manager's primary candidate with (2) Mr. St. LAURENT as the alternate.

(1) Doctor GLOCK is a highly educated, trained, and experienced Project Manager. He is also a scientist, and by nature he is; thorough, analytical, inquisitive, and articulate. His knowledge, skills, and abilities are extensive and in addition to an illustrious 28-year career serving the federal government, he served as an Electrical Engineering Instructor at the University of MD for 11 years.

(2) Mr. St. LAURENT served with distinction in the US Army and retired at the rank of Lt. Colonel. After retiring, he served as a Senior Project Manager for Computer Sciences Corporation where he managed multi-million dollar contracts and currently as a substitute teacher with the Dare County School system.

Respectfully submitted,

Exhibit E

MEMORANDUM

TO: TOWN COUNCIL
FM: TOWN MANAGER
DATE: JULY 1, 2008
SUBJECT: CAPITAL IMPROVEMENT PLAN
DEVELOPMENT OF:

As we enter the new fiscal year and upon completion of the budget cycle, the Town Manager is directing focus on the development of the Town's first Capital Improvement Plan (CIP). The following represent the initial stages of the project:

- Town Manager is assembling a CIP Development Task Force – NLT August 1st.
- Lead by the Manager, the Task Force may consist of two (2) volunteer Town residents, the Town Engineer, Grant Writer, Finance Officer, Police Chief or designee, Fire Chief or designee, and other department heads and employees.
- Task Force will develop the vision + mission statements – NLT August 15th.
- Task Force will receive input from Town Council and citizens – ongoing.
- Task Force will receive and include the final reports of the Roads and Stormwater Committees in their deliberations – these reports are expected to be presented to Council in August or September.
- Alternative forms of financing will be researched and identified.
- Task Force will review and include the CIP materials developed to-date.
- Task Force will initially meet once a week – beginning August 2008.
- Task Force will make monthly reports to Council beginning September 2008.
- Task Force will provide Manager with a proposed CIP – NLT November 2008.
- Town Manager in consultation with Council will complete the CIP and make a formal presentation of CIP to Council for their deliberation and action – NLT February 2009.

Two citizen volunteers, Dan SHIELDS and William GLEASON have graciously offered to share their knowledge and expertise in the development of the CIP. In addition to his extremely well known service and devotion to the Town of Southern Shores, Dan SHIELDS also has an engineering background. Bill GLEASON comes from a budgeting and finance background at a major university and has vast experience in the development of government capital projects.

The Manager is extending a formal invitation to Messrs. SHIELDS and GLEASON to join the CIP Development Task Force.

Respectfully submitted,
Charles Read, Town Manager